

REMARKS/ARGUMENTS

Claims 1-20 are pending in the present application. In the Office Action mailed October 5, 2005, the Examiner rejected claims 1-2, 4-6, 8-10, 12-15, and 17-20 under 35 U.S.C. § 102. The Examiner also rejected claims 3, 7, 11, and 16 under 35 U.S.C. § 103.

Reconsideration is respectfully requested in view of the following remarks.

A. Claims 1-2, 4-6, 8-10, 12-15, and 17-20 Rejected Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-2, 4-6, 8-10, 12-15, and 17-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,987,105 to Jenkins et al. (hereinafter, "Jenkins"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ...claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Jenkins. Jenkins does not disclose all of the limitations in these claims.

Claims 1 and 9 recite "an audio output generator stored in the memory and implementing a method comprising" the step of "including the identification with the status data." Applicants respectfully submit that Jenkins does not disclose the step of "including the identification with the status data," as recited in these claims.

In the Office Action, the Examiner, in response to Applicants' prior amendment, asserted that "Jenkins clearly teaches storing the device's serial number along with status data in memory device 4." Office Action, page 5. Claims 1 and 9 further recite "an identification for identifying the

embedded device wherein the identification is stored in the memory.” Applicants submit that having “the identification...stored in the memory” is not the same as the step of “including the identification with the status data,” as recited in claims 1 and 9. Similarly, Applicants submit that even if the Examiner’s assertion were true, “storing the device’s serial number along with status data in memory device 4” is not the same as the step of “including the identification with the status data,” as recited in claims 1 and 9.

The Examiner cited the following portion in support of the assertion that Jenkins teaches “storing the device’s serial number along with status data in memory device 4”:

During execution of the software controlling operation of washing machine 1, various inputs, statuses (such as drain pump on, hot water valve open), serial number, number of cycles completed, alerts, errors, faults (such as drain pump blocked, cold water tap not turned on or motor error) and other problems are detected and recorded in memory device 4.

Jenkins, col. 3, lines 35-40. Applicants respectfully submit that this section of Jenkins does not disclose the step of “including the identification with the status data,” as recited in claims 1 and 9. Rather, this section discloses various items, such as a serial number, “and other problems are detected and recorded in memory device 4.” Although this section may disclose that a serial number is “detected and recorded in memory device 4,” this section does not disclose that the serial number is included with the status data.

Also in the Office Action, the Examiner, in response to Applicants’ prior amendment, asserted that “Jenkins clearly teaches ... transmitting the information stored in the memory device 4 to the service center.” Office Action, page 5. Claims 1 and 9 recite “accessing the identification stored in the memory.” Applicants submit that “accessing the identification stored in the memory” is not the same as the step of “including the identification with the status data,” as recited in claims 1 and 9. Likewise, Applicants submit that “transmitting the information stored in the memory device 4 to the service center” is not the same as the step of “including the identification with the status data,” as recited in claims 1 and 9.

The Examiner cited the following portion in support of the assertion that Jenkins teaches transmitting the information stored in the memory device 4 to the service center: “[o]nce in the special operating mode, controller 2 will energise [sic] speaker 5 in such a way as to produce audible tones corresponding to (or encoded with) information stored in memory device 4.” Jenkins, col. 4, lines 16-20. Applicants submit that this section likewise does not disclose the step of “including the identification with the status data,” as recited in claims 1 and 9. Rather, this section discloses that the controller 2 energizes speaker 5 to produce audible tones corresponding to information stored in memory device 4. Applicants submit that “produc[ing] audible tones corresponding to (or encoded with) information stored in memory device 4” is not the step of “including the identification with the status data.”

Accordingly, the Examiner has not cited, nor can Applicants find, any section of Jenkins that discloses the step of “including the identification with the status data,” as recited in claims 1 and 9. Therefore, Applicants submit that Jenkins does not disclose each and every element as set forth in these claims.

Claim 15 recites “A method for providing an audio status output describing an embedded device to an audio status collector over a communication network, the method comprising:” the step of “including the identification with the status data.” Applicants respectfully submit that Jenkins does not disclose each and every element as set forth in claim 15. For example, Jenkins does not disclose the step of “including the identification with the status data,” as recited in claim 15.

In response to Applicants’ prior amendment, the Examiner asserted that “Jenkins clearly teaches storing the device’s serial number along with status data in memory device 4.” Office Action, page 5. Claim 15 also recites “an identification stored in memory of the embedded device that identifies the embedded device.” Applicants submit that storing the identification in memory is not the same as the step of “including the identification with the status data,” as recited in claim 15. Similarly, Applicants submit that even if this assertion were true, “storing the device’s serial number along with status data in memory device 4” is not the same as the step of “including the identification with the status data,” as recited in claim 15.

As discussed above, the Examiner asserted that “Jenkins clearly teaches storing the device's serial number along with status data in memory device 4.” The Examiner cited to column 3, lines 35-40 of Jenkins in support of this assertion. See page 9 *infra*. Applicants respectfully submit that this section of Jenkins does not disclose the step of “including the identification with the status data,” as recited in claim 15. Rather, as shown above, this section discloses various items, such as a serial number, “and other problems are detected and recorded in memory device 4.” Although this section may disclose that a serial number is “detected and recorded in memory device 4,” this section does not disclose that the serial number is included with the status data.

Also in response to Applicants' prior amendment, the Examiner asserted that “Jenkins clearly teaches ... transmitting the information stored in the memory device 4 to the service center.” Office Action, page 5. Claim 15 recites “accessing the identification stored in the memory.” Applicants submit that “accessing the identification stored in the memory” is not the same as the step of “including the identification with the status data,” as recited in claim 15. Likewise, Applicants submit that “transmitting the information stored in the memory device 4 to the service center” is not the same as the step of “including the identification with the status data,” as recited in claim 15.

As discussed above, the Examiner also cited the following portion in support of the assertion that Jenkins teaches transmitting the information stored in the memory device 4 to the service center: “[o]nce in the special operating mode, controller 2 will energise [sic] speaker 5 in such a way as to produce audible tones corresponding to (or encoded with) information stored in memory device 4 (one preferred method of encoding is described in detail below).” Jenkins, col. 4, lines 16-20. Applicants submit that this section likewise does not disclose the step of “including the identification with the status data,” as recited in claim 15. Rather, this section discloses that the controller 2 energizes speaker 5 to produce audible tones corresponding to information stored in memory. Applicants submit that “produc[ing] audible tones corresponding to (or encoded with) information stored in memory device 4” is not the step of “including the identification with the status data.”

Accordingly, the Examiner has not cited, nor can Applicants find, any section of Jenkins that discloses the step of "including the identification with the status data," as recited in claim 15. Therefore, Applicants submit that Jenkins does not disclose each and every element as set forth in claim 15.

In view of the foregoing, Applicants respectfully submits that independent claims 1, 9, and 15 are patentably distinct from Jenkins. Therefore, Applicants respectfully request that the rejection of these claims be withdrawn.

Claims 2, 4-6, and 8 depend either directly or indirectly from claim 1. Claims 10 and 12-14 depend either directly or indirectly from claim 9. Claims 17-20 depend either directly or indirectly from claim 15. Consequently, Applicants respectfully request that the rejection of claims 4-6, 8, 10, 12-14, and 17-20 be withdrawn for at least the same reasons as those presented above in connection with claims 1, 9, and 15.

B. Rejection of Claims 3 and 11 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 3 and 11 under 35 U.S.C. § 103(a) based on Jenkins in view of U.S. Patent No. 5,311,581 to Merriam et al. (hereinafter, "Merriam"). This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the

examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claims 3 and 11 depend either directly or indirectly from claims 1 and 9 respectively. As shown above, Jenkins does not teach each and every element of claims 1 and 9. Specifically, Jenkins does not teach, suggest, or disclose the step of “including the identification with the status data,” as recited in these claims. Likewise, the Examiner has not cited, nor can Applicants find, any portion of Merriam that discloses the step of “including the identification with the status data,” as recited in claims 1 and 9. Accordingly, Applicants respectfully submit that claims 3 and 11 are patentably distinct from the cited references and request that the rejection of claims 3 and 11 be withdrawn.

C. Rejection of Claims 7 and 16 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 7 and 16 under 35 U.S.C. § 103(a) based on Jenkins in view of U.S. Patent No. 5,729,596 to Reeder et al. (hereinafter, “Reeder”). This rejection is respectfully traversed.

As shown above, the M.P.E.P. states that “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Additionally, the burden is on the Examiner to establish a *prima facie* case of obviousness. Id.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claims 7 and 16 depend either directly or indirectly from claims 1 and 15 respectively. As shown above, Jenkins does not teach each and every element of claims 1 and 15. Specifically, Jenkins does not teach, suggest, or disclose the step of “including the identification with the status data,” as recited in these claims. Likewise, the Examiner has not cited, nor can Applicants find, any portion of Reeder that discloses the step of “including the identification with the status data,” as

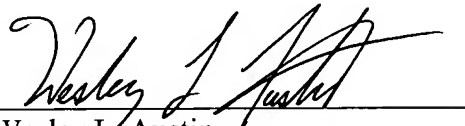
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recited in claims 1 and 15. Accordingly, Applicants respectfully submit that claims 7 and 16 are patentably distinct from the cited references and request that the rejection of claims 7 and 16 be withdrawn.

D. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', written over a horizontal line.

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